

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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DION C. PENNYWELL,

Case No. 16-CV-0981 (WMW/SER)

Plaintiff,

v.

REPORT AND RECOMMENDATION

SAINT PAUL PUBLIC HOUSING  
AGENCY; PEOPLE INCORPORATED;  
SOUTH METRO HUMAN SERVICES;  
CATHOLIC CHARITIES OF THE  
ARCHDIOCESE OF SAINT PAUL; CITY  
OF SAINT PAUL; and SAINT PAUL CITY  
POLICE DEPARTMENT,

Defendants.

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Plaintiff Dion C. Pennywell applied for *in forma pauperis* (“IFP”) status. In an order dated May 25, 2016, this Court noted several deficiencies in Pennywell’s complaint and declined to grant the IFP application. *See* ECF No. 4. Pennywell was given until June 15, 2016 to file an amended complaint stating a claim on which relief may be granted, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has passed, and Pennywell has not filed an amended complaint. In fact, Pennywell has not contacted the Court since initiating this case. Accordingly, this Court recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an

action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order."").

#### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: June 30, 2016

s/Steven E Rau  
Steven E. Rau  
U.S. Magistrate Judge

#### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).

**Under Advisement Date:** This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.